

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

REGINALD EDWIN BOSSIER

PLAINTIFF

VERSUS

CAUSE NO. 1:08-cv-408-LTS-RHW

STATE FARM FIRE AND CASUALTY COMPANY

DEFENDANT

**MOTION FOR JUDGMENT AS A MATTER OF LAW OR IN
THE ALTERNATIVE FOR A NEW TRIAL**

COMES NOW the Plaintiff, by and through undersigned counsel, and files this his Motion for Judgment as a Matter of Law or in the Alternative for a New Trial and would show unto this Honorable Court the following:

Pursuant to Rule 50, Fed. R. Civ. P., Plaintiff moves for judgment as a matter of law on all issues concerning contract damages on the grounds that the jury did not have a legally sufficient evidentiary basis to find in favor of Defendant. Accordingly, Plaintiff is entitled to judgment as a matter of law in the amount of policy limits of \$325,337.87 for the dwelling, the remainder of the amount of contents in the amount of \$203,607.00, undisputed additional living expenses in the amount of \$48,000.00, prejudgment interest on same from and after October 10, 2005, at the rate of 8% per annum until paid. In the alternative, Plaintiff is entitled to a new trial on all issues because the jury's verdict in this matter is contrary to the overwhelming weight of the evidence.

Plaintiff files herewith and incorporates herein memorandum in support of said motion.

WHEREFORE, PREMISES CONSIDERED, Plaintiff respectfully requests this Honorable Court enter judgment as a matter of law in favor of Plaintiff or in the alternative orders a new trial. Plaintiff requests such other and further relief as may be deemed appropriate.

THIS the 20th day of November, 2009.

REGINALD EDWIN BOSSIER

BY: */s/ Judy M. Guice*

JUDY M. GUICE (#5057)

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CERTIFICATE OF SERVICE

I, Judy M. Guice, counsel for Plaintiff, do hereby certify that I have this day electronically filed the foregoing with the Clerk of this Court using the ECF system which sent notification of such filing to the following:

H. Benjamin Mullen, Esquire
John A. Banahan, Esquire
Bryan, Nelson, Schroeder, Castigliola & Banahan, PLLC
P. O. Drawer 1529
Pascagoula, MS 39568

This the 20th day of November, 2009.

s/Judy M. Guice

JUDY M. GUICE (MSB #5057)